

MONTANA LEGISLATIVE HISTORY

Chapter 458 19 81

Bill H 724 S _____ Original bill & history C

H. Committee on State Administration

Hearing Date(s) Jan 24 ☒ C

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Date Out Jan 24 ☒ C

S. Committee on State Administration

Hearing Date(s) Feb 07 ☒ C

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Feb 07 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

REPORT: DO NOT PASS, 2/17
REPORT: ADOPTED, 2/19
BILL KILLED: 2/19 YEARS: 77; NAYS: 29

702--HAPP, FABREGA, KITSSELMAN, ET AL--TO ALLOW A LICENSED PROPERTY OR CASUALTY INSURANCE AGENT TO PERFORM AND CHARGE FEES FOR RISK MANAGEMENT SERVICES....

INTRODUCED: 2/11
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 2/11
HEARING: 2/19
REPORT: DO PASS AS AMENDED, 2/19
2ND READING: 2/23, YEARS: 85; NAYS: 4
3RD READING: 2/25, YEARS: 90; NAYS: 8

TRANSMITTED TO SENATE: 2/25
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 3/3
HEARING: 3/17
REPORT: 3/18, ADVERSE REPORT ADOPTED,
YEAS: 39; NAYS: 5
BILL KILLED IN COMMITTEE

703--OBEPG--TO EXEMPT SCHOOL BUILDINGS COSTING \$100,000 OR LESS FROM DEPARTMENT OF ADMINISTRATION PLANS AND SPECIFICATIONS REVIEW AND APPROVAL REQUIREMENTS.

FISCAL NOTE: REQUIRED
INTRODUCED: 2/11
REFERRED TO COMMITTEE ON EDUCATION: 2/11
HEARING: 2/18
REPORT: DO NOT PASS, 2/19
REPORT: ADOPTED, 2/20
BILL KILLED: 2/20 YEARS: 90; NAYS: 7

722--VINCENT, ECK--TO PROVIDE FOR THE AVAILABILITY OF PUBLIC FINANCING TO STATE, JUDICIAL, AND LEGISLATIVE CANDIDATES....

FISCAL NOTE: REQUIRED
INTRODUCED: 2/11
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/11
HEARING: 2/16
REPORT: DO NOT PASS, 2/16
REPORT: ADOPTED, 2/17
BILL KILLED: 2/17 YEARS: 76; NAYS: 22

723--BETTELSEN--TO REQUIRE THE ADMINISTRATIVE CODE COMMITTEE TO CONDUCT A STUDY OF METHODS THAT MIGHT BE USED TO TERMINATE ADMINISTRATIVE RULES....

INTRODUCED: 2/12
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/12
HEARING: 2/18
REPORT: DO PASS AS AMENDED, 2/18
2ND READING: 2/21 ON MOTION, PASSED FOR THE DAY.
ON MOTION, 2/21, PASSED CONSIDERATION TO 50TH LEGISLATIVE DAY.
BILL DIED: FAILED TO MEET TRANSMITTAL DEADLINE

724--NEUMAN, LEE, FABREGA, ET AL--TO AMEND CONFLICTS OF INTEREST PROVISIONS TO ALLOW CONTRACTS WHENEVER GEOGRAPHICAL RESTRICTIONS WOULD MAKE A CONTRACT OTHERWISE UNAVAILABLE TO A LOCAL GOVERNMENT.

INTRODUCED: 2/12
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/12
HEARING: 2/18
REPORT: DO PASS, 2/18

2ND READING: 2/21, YEAS: 76; NAYS: 6
3RD READING: 2/24, YEAS: 93; NAYS: 5

TRANSMITTED TO SENATE: 2/24
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 3/2
HEARING: 3/17
REPORT: 3/26, BE CONCURRED IN, AS AMENDED
2ND READING: 3/31, YEAS: 46; NAYS: 4
ON MOTION, 3/31, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 3/31, YEAS: 43; NAYS: 6

RETURNED TO HOUSE WITH AMENDMENTS: 3/31
2ND READING: 4/9, YEAS: 79; NAYS: 1
ON MOTION, 4/9, RULES SUSPENDED AND PLACED ON 3RD READING.
3RD READING: 4/9, YEAS: 87; NAYS: 2

TRANSMITTED TO GOVERNOR: 4/15
ACTION: SIGNED, 4/20
CHAPTER 458

HB 725—UNDERDAL—TO REVISE THE LICENSING LAWS FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS....

FISCAL NOTE: REQUIRED
INTRODUCED: 2/12
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 2/12
HEARING: 2/20
REPORT: DO PASS AS AMENDED, 2/21
2ND READING: 2/24, YEAS: 92; NAYS: 6
3RD READING: 2/25, YEAS: 93; NAYS: 5

TRANSMITTED TO SENATE: 2/25
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/3
HEARING: 3/12
REPORT: 3/13, BE CONCURRED IN, AS AMENDED
2ND READING: 3/17, BE CONCURRED IN
3RD READING: 3/19, YEAS: 44; NAYS: 3

RETURNED TO HOUSE WITH AMENDMENTS: 3/19
2ND READING: 4/8, YEAS: 77; NAYS: 0
3RD READING: 4/9, YEAS: 94; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/16
ACTION: SIGNED, 4/21
CHAPTER 489

HB 726—VINCENT—TO ALLOW CERTIFIED SCHOOL EMPLOYEES TO ADMINISTER
PRESCRIPTION MEDICINE TO A STUDENT....

INTRODUCED: 2/12
REFERRED TO COMMITTEE ON EDUCATION: 2/12
HEARING: 2/19
REPORT: DO PASS AS AMENDED, 2/20
2ND READING: 2/23, YEAS: 75; NAYS: 15
3RD READING: 2/25, YEAS: 84; NAYS: 14

TRANSMITTED TO SENATE: 2/25
REFERRED TO COMMITTEE ON PUBLIC HEALTH: 3/3
HEARING: 3/20
REPORT: 3/25, BE CONCURRED IN, AS AMENDED
2ND READING: 3/27, YEAS: 76; NAYS: 18
3RD READING: 3/27, YEAS: 22; NAYS: 27

STATE ADMINISTRATION
FEBRUARY 18, 1981
RM 436

The meeting of the State Administration Committee was called to order at 8:00 a.m. on February 18, 1981, with Chairman Jerry Feda presiding. All members were present except Representative Azzara and Representative Dussault who was excused.

Chairman Feda opened the hearing on HB 724.

HOUSE BILL 724-SPONSOR, Representative Neuman, introduced this bill which creates an exception to the conflict of interest provisions within the code of ethics statutes that prohibit conflict between public duty and private interest as required by the Montana Constitution. This amendment permits public officers and employees to contract with an interested party whenever geographical restrictions would make a contract otherwise unavailable to a local government.

PROPONENTS

DALE KLOCK, Cascade businessman, stated that he is on the city council and has been prohibited from serving the community in his business capacity. This bill would allow businessmen to contribute to the community in both public and private interests. Mr. Klock made apologies for Mr. Ellis who was not able to attend the meeting but was one of the main sponsors of the bill. A copy of Mr. Ellis' written statement is EXHIBIT 1 of the minutes.

CHARLES CUNNINGHAM, Cascade, MT, was not present to testify but presented a written statement to the committee. A copy of his statement is attached and is EXHIBIT 2 of the minutes.

Others who were present at the hearing but did not testify are listed on the Visitors' Registration form.

OPPONENTS

There were no opponents to House Bill 724.

QUESTIONS BY THE COMMITTEE:

Mueller: Is there any protection provided in this bill against overcharging by the local businessmen?

Neuman: Free enterprise is the protection.

Representative Neuman closed the hearing on HB 724.

EXECUTIVE SESSION (cont.)

HOUSE BILL 754

DO NOT PASS

Representative Sales made a DO NOT PASS motion on HB 754.
A vote was taken and carried with 15 YES, 2 NO and 2 absent.
Representatives McBride and O'Connell voted no.

HOUSE BILL 724

DO PASS

Representative Kropp made a DO PASS motion on HB 724.
A vote was taken and carried unanimously with those present.

HOUSE BILL 723

DO PASS AS AMENDED

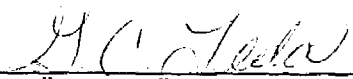
Representative Kanduch moved the amendment proposed by
Mona Jamison. Discussion followed. A vote was taken and
carried unanimously.

Representative Kanduch moved a DO PASS AS AMENDED on HB
723. A vote was taken and carried with 16 YES, 1 NO and
2 absent. Representative McBride voted NO

Chairman Fedra asked for a vote of the committee to introduce
a committee bill entitled: "An act to require lobbyists to
report entertainment expenses." A poll was taken and
carried with 17 members voting for the bill and 2 members
voting against. Representatives McBride and Dussault
voted no. A copy of the bill is attached and is EXHIBIT
12 of the minutes.

A motion was made to adjourn at 11:00 a.m.

Respectfully submitted,



G. C. "JERRY" FEDRA, Chairman

Cathy Martin-Secretary

ELLIS CATTLE COMPANY

"HOME OF THE PANAMAS"

REGISTERED AND COMMERCIAL HEREFORDS

WM. B. ELLIS & SON

CASCADE, MONTANA

Feb. 18, 1981

House Bill No. 724

Mr. Chairman and Committee Members:

My name is William B. Ellis, Cascade, Mont.

This is to request a change in the law to make it possible for local Businessmen as well as skilled workmen to serve on City Councils and School Boards, and also be able to do business with City Government and School Districts in the small communities of the State.

The judgement and experience of the business men of the community is greatly needed in city or school management and to exclude such people works a hardship on them as well as the community.

William B. Ellis
William B. Ellis

MEMBER

MONTANA BEEF CATTLE PERFORMANCE REGISTRY ASSN. — AMERICAN BEEF CATTLE PERFORMANCE REGISTRY ASSN.

EXHIBIT 2

House Bill # 724

B. & Y. Store
Cascade, Mont.
Feb. 18, 1981

Mr. Chairman and Committee Members:

My name is Charles N. Cunningham;

Under the present law it is illegal for any one serving on School Boards or City Councils to do business with City Government or the School District.

I request that this law be changed to make it possible for local business men as well as skilled workmen to serve as City Councilmen or School Board members, without being penalized.

The judgement and experience of the business men of the community is greatly needed in City and School management and to exclude such people is wrong.

Charles N. Cunningham
Owner of the B. & Y. Store
Cascade, Mont. 59421

Charles N. Cunningham

Dan Mizner, League of Cities and Towns, spoke briefly in support of the bill.

There were no opponents of the bill appearing before the committee.

Senator McCallum then called for questions from the committee.

Senator Conover asked how many years they have to keep them now.

Representative Fabrega answered it is currently 25, they had wanted to change it to 3 years but decided on 5.

CONSIDERATION OF HOUSE BILL NO. 724:

AN ACT TO AMEND CONFLICTS OF INTEREST
PROVISIONS TO ALLOW CONTRACTS WHENEVER
GEOGRAPHICAL RESTRICTIONS WOULD MAKE
A CONTRACT OTHERWISE UNAVAILABLE TO A
LOCAL GOVERNMENT.

Representative Neuman, District No. 33, said this is an act to amend conflicts of interest provisions to allow contracts whenever geographical restrictions would make a contract otherwise unavailable to a local government. The bill arises from a problem in small communities. As populations decline and businesses close, there is little competition in the towns. Local governments are precluded from obtaining services from businesses owned by people serving on the town council, etc. This bill would allow them - where because of geographical distance it is impractical for the local government to have to contract with an out-of-town business because of this statute - to contract with those local businesses.

Dan Mizner, League of Cities and Towns, spoke briefly in support of the bill. He said this would be of help to about 100 cities and towns across the state.

There were no opponents of the bill appearing before the committee.

Representative Neuman, in closing, said if there were two businesses in the same town, the local government would be required to purchase items from the business where there was no conflict of interest. If they did not, then the conflict of interest in the statutes would apply.

Senator McCallum then called for questions from the committee.

Senator McCallum asked Mr. Mizner if this was close to nepotism. He can see where you could purchase some items from the business but not contract with them.

Mr. Mizner said in many cases there is only one business in town that offers certain merchandise or services. One instance where you would probably have to contract with the business would be for a backhoe if the city water main were to break.

Senator McCallum said the owner of that business would have a conflict of interest if he was on the city council.

Mr. Mizner said the council would have to decide if they wanted to contract with him.

Representative Neuman said presently if you file with the Secretary of State saying you do have a conflict of interest, you cannot give a contract. This would be for short-term services, not long term. This would not include things let out for bids.

Senator McCallum said he could not see where you would have to have a contract in a lot of instances.

Representative Neuman said the provision "because of geographical restrictions" means if there is anyone else that will do the service at a reasonable cost, they would have to take him if there was no conflict of interest. If no one else is available, this bill allows the city to contract with conflict of interest persons.

DISPOSITION OF HOUSE BILL 712: Senator Thomas motioned the bill be concurred in. The motion carried unanimously, Senator Hammond was excused.

DISPOSITION OF HOUSE BILL 473: Senator Thomas motioned the bill be concurred in. The motion carried unanimously, Senator Hammond was excused.

DISPOSITION OF HOUSE BILL 479: Senator Van Valkenburg said he thinks this is a good bill, he could find no problems with it. The Helena people want an immediate effective date on it because they have to adopt a resolution by April 1. He moved to amend the bill to provide for an immediate effective date, to be effective upon passage and approval. The motion carried unanimously.

Senator Van Valkenburg then moved the bill be concurred in as amended. The motion carried unanimously, Senator Hammond was excused.

CONSIDERATION OF HOUSE BILL 624:

AN ACT TO INCREASE THE FEES CHARGED BY THE
COUNTY CLERKS FOR RECORDING, FILING, AND
COPYING SERVICES, REMOVING PROVISIONS THAT
ARE OUTDATED.

Senator Van Valkenburg moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 393: Senator Thomas moved the bill be not concurred in. The motion carried with Senator Van Valkenburg being opposed.

DISPOSITION OF HOUSE BILL 781: Senator Van Valkenburg motioned the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE JOINT RESOLUTION 28: Senator Ochsner moved the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 770: Senator Van Valkenburg said he is virtually certain this bill is clean. When the codes were recodified, it was discovered some statutes were in conflict. This is an attempt to straight this out. He moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL 724: Senator Van Valkenburg had amendments to the bill. He said situations come along that you need flexibility for.

Senator Hammond said they can be misunderstood.

Senator O'Hara said there is a problem in the town of Cascade. He thinks it would be a good bill if we could address it to hold it down so there would be no room for abuses.

Senator McCallum was concerned with the contract aspect of the bill.

Debbie Schmidt said a contract would be any agreement.

Senators Hammond and McCallum said they did not want to see it on the books.

Senator Van Valkenburg made a motion to adopt the amendments. The motion carried with Senator McCallum being opposed.

Senator Van Valkenburg moved the bill be concurred in as amended. The motion carried with Senators Hammond, McCallum and Ochsner being opposed.

DISPOSITION OF HOUSE BILL 56: Senator Hammond feels industry is doing a lot for the towns, the towns would not exist without them.

Senator Van Valkenburg thought that was unrealistic, it cannot